UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES R. MULLINS, JR.,	:	Case No. 3:12-cv-131
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
BANK OF AMERICA CORP.,	:	
	:	
Defendant.	:	

DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 14); (2) REMANDING TO THE STATE COURT; AND (3) TERMINATING THIS CASE FROM THE DOCKET

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on June 22, 2012, submitted a Report and Recommendations. (Doc. 14). Plaintiff filed Objections to the Report and Recommendations on July 9, 2012. (Doc. 15).

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety; and Plaintiff's Objections to the Report and Recommendations are overruled.[1]

Accordingly:

1. The Report and Recommendations (Doc. 14) is **ADOPTED**;

2. This civil action is **REMANDED** to the state court; and

3. This case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 8/1/12

Timothy S. Black
Timothy S. Black
United States District Judge

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[1] Plaintiff's removal is untimely and does not comport with the requirement of thirty days set forth in 28 U.S.C. § 1446(b)(1). Removal had to occur no later than January 3, 2009, but the earliest date on which Plaintiff attempted to remove the case to this Court was April 26, 2012. Plaintiff's notice of removal is further defective pursuant to 28 U.S.C. § 1446(b)(2)(A), wherein all properly joined defendants in the state court case must join in and consent to the removal. Plaintiff failed to obtain this requisite consent.